

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and the STATE OF
NEW YORK, *ex rel.* WILLIAM GURIN,

Plaintiffs,

v.

NEW YORK CITY HEALTH AND HOSPITALS
CORPORATION D/B/A NYC HEALTH & HOSPITALS
and the NEW YORK COLLEGE OF PODIATRIC
MEDICINE,

Defendants.

19 Civ. 10742 (PKC)

THE GOVERNMENT'S NOTICE OF DECISION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (the "Government" or the "United States"), by its undersigned attorneys, hereby respectfully notifies the Court of its decision not to intervene in the above-referenced *qui tam* action.

Although the United States declines to intervene in this action, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain his action in the name of the United States, provided, however, that the complaint "may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.*

The United States further requests that, should the relator or the defendants propose that the complaint or any of its allegations be dismissed, settled, or otherwise discontinued, the parties must solicit the written consent of the United States before applying for Court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this matter be served upon the United States. The United States also requests that orders issued by the Court be sent to counsel for the United States by the relator. The United States reserves its right to order the transcript of any depositions taken with respect to the allegations in the relator's complaint. The

-2-

United States also reserves its right to intervene with respect to the allegations in the relator's complaint, for good cause, at a later date.

The United States requests further that it be served with any notices of appeal.

A proposed order accompanies this notice.

Dated: New York, New York
September 9, 2020

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